

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NORTH DAKOTA  
NORTHWESTERN DIVISION**

United States of America for the Use and )  
Benefit of Wagner Construction, Inc., a )  
Minnesota Corporation, )  
)  
Plaintiff, )

vs. )

)  
DRC Emergency Services, LLC, an )  
Alabama limited liability company, and )  
Liberty Mutual Insurance, )  
)  
Defendants. )

**ORDER**

Case No. 4:12-cv-144

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Plaintiff initiated the above-entitled action by complaint on October 18, 2012. On December 7, 2012, DRC Emergency Services, LLC ("DRC") file an answer and motion to compel arbitration and dismiss or stay proceedings. On December 18, 2012, plaintiff and DRC filed a stipulation of dismissal of this case in its entire without prejudice, without costs to any party, and without the necessity of an order pursuant to Fed. R. Civ. P. 41(a)(1)(A)(ii).

As plaintiff and DRC have stipulated to the dismissal of this matter without costs and without prejudice, the Clerk's office is **ORDERED** to close the above-entitled action.

Dated this 5th day of February, 2013.

/s/ Charles S. Miller, Jr.  
Charles S. Miller, Jr., Magistrate Judge  
United States District Court